

PATENT

Application Serial No. 10/716,396

Attorney Docket No. 10517/191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: Hiromichi NAKATA  
Group Art Unit: 1745  
Application No.: 10/716,396  
Examiner: Melissa THOMPSON  
Filed: November 20, 2003  
For: FUEL CELL SEPARATOR AND PRODUCTION  
METHOD THEREFOR

**RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT**

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


Supplemental to the Response to the Election/Restriction Requirement filed December 11, 2006 in the above-identified application (wherein the Applicant elected Group I, claims 1-9), the Applicant hereby further elects, with traverse, "Species 1: a metal thin film" having claims 1-4 and 6-9 readable thereon, and "Species for the metal Ti," for further prosecution in the application.

Applicants also request reconsideration of this election/restriction requirement. MPEP section 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Accordingly, the Applicants submit that all of the metals in claims 7 and 8 can be examined without undue burden.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Date: February 23, 2007

  
\_\_\_\_\_  
Daniel G. Shanley  
Registration No. 54,863

KENYON & KENYON LLP  
1500 K Street, N.W. – Suite 700  
Washington, D.C. 20005-1257  
Tel: 202-220-4200  
Fax: 202-220-4201